



Industrial Telecommunications Association, Inc.

EX-101-101-101 FILED

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Mr. William F. Caton
The Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: PR Docket No. 93-144; Ex Parte Statement

Dear Mr. Caton:

Please accept the enclosed written Ex Parte statement for consideration in the above-referenced proceeding.

In accordance with Section 1.1206 of the Commission's rules, I am filing the original and one copy of this Ex Parte statement with the Secretary's office.

Sincerely,

Frederick J. Day

Frederick J. Day
Executive Director,
Government Relations

cc: Michele Farquhar, Esq.
Rosalind Allen, Esq.
David Furth, Esq.

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)	
)	
Amendment of Part 90 of the)	PR Docket No. 93-144
Commission's Rules to Facilitate)	RM-8117, RM-8030
Future Development of SMR Systems)	RM-8029
in the 800 MHz Frequency Band)	
)	
Implementation of Sections 3(n))	GN Docket No. 93-252
and 332 of the Communications Act)	
Regulatory Treatment of Mobile)	
Services)	
)	
Implementation of Section 309(j))	PP Docket No. 93-253
of the Communications Act --)	
Competitive Bidding)	

To: The Commission

EX PARTE PRESENTATION OF THE
INDUSTRIAL TELECOMMUNICATIONS ASSOCIATION, INC.

The Industrial Telecommunications Association, Inc. ("ITA"), submits this ex parte statement for consideration in the above-referenced proceeding.

In other documents filed in this proceeding, ITA has noted its grave concern with that aspect of the Commission's decision that precludes future access to the 150 General Category channels for private, internal-use systems.

This ex parte comment is filed to highlight ITA's concern regarding the Commission's decision to rely on interested parties to assess independently the utility of the General Category channels, as they do not exist in the Canadian and Mexican border regions.

In the Notice of Proposed Rule Making portion of the December 15, 1995, First Report and Order, Eighth Report and Order, and Second Further Notice of Proposed Rule Making in this proceeding, the Commission elected not to distinguish between border and non-border areas for purposes of licensing wide-area systems. The Commission states that applicants "will be able to assess the impact of more limited spectrum availability when valuing those market areas for competitive bidding purposes."¹ ITA believes it is important for the Commission to explicitly recognize, in its upcoming decision, the simple fact that there are no "General Category" channels above Line A.

As defined in Section 90.615(a), there are no General Category channels for the border regions. To cite some pertinent examples, the channel pair designated as Channel No. 50 under Section 90.613, 807.2375 MHz paired with 852.2375 MHz, is currently available for General Category use below Line A. Above

¹ Second Further Notice of Proposed Rule Making segment of the 800 MHz Decision, paragraph 319.

Line A, however, Channel No. 50 is an Industrial/Land Transportation channel in Canadian regions 1, 2, 4, 5 and 6. In Canadian regions 3, 7 and 8, the channel is a Public Safety channel. In the Mexican border region, the channel is not available for any domestic use.

Similarly, the channel pair designated as Channel No. 100, 808.4875/853.4875 MHz, is available as a General Category channel below Line A. Above Line A, however, Channel No. 100 is a Public Safety channel in Canadian regions 1, 3, 4, 5, 6, 7 and 8. The channel is not available for domestic use in Canadian region 2. Nor is it available for use in the Mexican border region.

As a final example, General Category channel pair No. 150, 809.7375/854.7375 MHz, is allocated for SMR use in Canadian regions 1, 4, 5 and 6. It is allocated for Industrial/Land Transportation use in Canadian region 3 and for Public Safety use in regions 7 and 8. The channel is not available for domestic use in either Canadian region 2 or in the Mexican border region.

ITA cites these examples merely to point out the complexity inherent in the General Category allocation. It is unlikely that this complexity will be immediately apparent to entities interested in competing for the General Category channels.

In ITA's view, the Commission should take the precaution of

emphasizing the special considerations presented by the Canadian and Mexican border regions.

As Consumers Power Company and others have noted in prior comments in this proceeding, in the absence of such detail, there is apt to be a serious misconception regarding the availability of the General Category channels in the border regions.

By way of summary, in Canadian regions 1, 2, 4, 5 and 6, only five of the 150 frequencies designated as General Category channels are currently allocated for SMR use. The other 145 channels are either already allocated to, and in use by, Public Safety and Industrial/Land Transportation eligibles or are simply not available for U.S. use within the border regions.

In region 3, nine of the General Category channels are available for SMR licensing. In regions 7 and 8, there are 18 General Category channels potentially available for SMR licensing. In the Mexican border area, there are no General Category channels available for SMR licensing. Collectively, across the eight Canadian border regions and the Mexican border region, less than one percent of the General Category channels would be available for SMR licensing.

Given this situation, ITA strongly urges the Commission to place interested commercial applicants on clear notice that, in

the event a competitive bidding process is initiated, there are no General Category channels in the border regions.

**INDUSTRIAL TELECOMMUNICATIONS
ASSOCIATION, INC.**

By: 

Mark E. Crosby
President and Chief Executive
Officer

Prepared by:

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Date: June 7, 1996